



AIR FORCE RELATIONS WITH CONGRESS

This instruction implements AFR 90-4, *Relations With Congress*, by providing guidance and procedures for Air Force personnel who respond to inquiries from the Congress. It describes the responsibilities of the HQ USAF, major command (MAJCOM), and field operating agency (FOA) organizations in providing information to the Congress on various inquiries or requests. Use this instruction with:

- DoD Directive 4515.12, *Department of Defense Support for Travel of Members and Employees of Congress*, December 12, 1964.
- DoD Directive 5142.1, *Assistant Secretary of Defense (Legislative Affairs)*, July 2, 1982.
- DoD Directive 5400.4, *Provision of Information to Congress*, January 30, 1979.
- DoD Directive 5550.1, *Preparing and Processing of Legislation, Executive Orders, Proclamations and Reports*, May 21, 1964.
- Office of Management & Budget Circular A-11, *Preparation and Submission of Budget Estimates*, July 1992.
- Office of Management & Budget Circular A-19, *Legislative Coordination and Clearance*, September 20, 1979.

(AFRES) This supplement implements and extends the guidance of Air Force Instruction (AFI) 90-401, 18 March 1994. The AFI is printed word-for-word without editorial review. Air Force Reserve supplementary material is indicated by "(AFRES)" in boldface type. This supplement describes Air Force Reserve procedures to be used in conjunction with the basic instruction. Upon receipt of this integrated supplement discard the Air Force basic.

SUMMARY OF CHANGES

This is the initial publication of AFI 90-401, substantially revising AFR 11-7. You no longer need to file report SAF-LL(AR)7301, *Congressional Committee Investigation, Hearing, or Visit Report*.

(AFRES) This revision incorporates the procedures formerly in AFR 11-7/AFRES Sup 1, and aligns our supplement with current instructions within AFI 90-401.

1. Releasing Information:

1.1. Congressional Inquiries. Air Force policy is to cooperate fully with the Congress, so we give full and timely response to Congressional inquiries.

1.2. Classified Information. Air Force personnel must properly safeguard information classified in the interests of national defense (according to DoD 5200.1-R, *Information Security Program Regulation*, June 1986, with Change 1 and AFI 31-401, *Information Security Program Management* [formerly AFRs 205-1 and 205-43]). We may disclose classified information only with the consent of the Secretary of the Air Force.

1.3. "For Official Use Only" Information. According to AFI 37-131, *Air Force Freedom of Information Act Program* (formerly AFR 4-33) Air Force officials may generally not disclose information designated "For Official Use Only" to the public under exemptions 2 through 9 of the Freedom of Information Act. However, the Air Force may release such information to

chairpersons or ranking minority members of congressional committees or subcommittees if the information relates to matters within their jurisdiction. An Air Force official who decides that the information should not be released to the Congress, even in confidence, must forward the request, with a recommendation, through channels to the Secretary of the Air Force.

1.4. Information for Congressional Constituents. Air Force officials must not disclose information classified in the interests of national defense to the Congress for release to a congressional constituent. The only exception is information that the constituent could receive under AFI 37-131.

1.5. Privacy Act Information. Air Force officials must process information about military and civilian employees according to the guidelines of the Privacy Act (PA). Without an individual's written consent to release information, Air Force officials may provide only general information according to the provisions of AFI 37-132, *Air Force Privacy Act Program* (formerly AFR 12-35) which sets forth the PA procedures. The Air Force may, however, disclose an individual's records without the individual's consent when it was requested by a chairperson or ranking minority member of a congressional committee or subcommittee if the information relates to matters within their jurisdiction. When making such a disclosure, the Air Force should tell the committee or subcommittee members about any sensitive information and the need to safeguard it.

1.6. Information From Air Force People. Air Force personnel have the legal right to petition, furnish information to, or communicate with the Congress (Title 5, United States Code, Section 7102 and Title 10, United States Code, Section 1034).

1.7. Locally Sensitive Information. Information on changes in the status of Air Force units, installations, and industrial facilities may have a marked impact on states and congressional districts. Therefore, Air Force officials must not release such information without approval from the Secretary of the Air Force. Refer congressional requests for such information to the Office of the Secretary of the Air Force through the Office of Legislative Liaison, SAF/LL.

1.8. Congressional Security Clearances. Senators and Representatives have Top Secret clearances. The Air Force allows members on special committees to see all documents that are relevant to the committee. To verify the security clearance of congressional staff members, contact the Office of the Secretary of Defense (OSD), Legislative Affairs Security Office (OSD/LA).

2. Congressional Visits:

2.1. Members of the Congress and their staffs may need to visit Air Force activities. The Air Force fully supports and encourages these visits.

(AFRES) AFRES wing commanders meet with local congressional representatives and, or staff members on an ongoing basis to explain the vital missions being performed by the Air Force Reserve and citizen airmen from their district.

2.2. With Secretary of the Air Force approval, the Air Force may provide transportation for congressional visits.

2.3. Restrictions on congressional visits apply during election years and to partisan political activities. Contact SAF/LL or the Office of the Secretary of the Air Force, Director of Public Affairs (SAF/PA), about these restrictions.

3. HQ USAF Responsibilities:

3.1. Secretary of the Air Force. Only the Secretary may deny congressional requests for information or approve congressional travel to Air Force activities.

3.2. Office of Legislative Liaison (SAF/LL). Secretary of the Air Force Order 112.1 gives SAF/LL the authority and responsibility (except for Appropriations Committees, Budget Committees and the Congressional Budget Office) for relations with the Congress, the Executive Office of the President and Vice President, the Office of Secretary of Defense and other governmental agencies. Official liaison includes:

- Developing, coordinating and supervising the Air Force legislative program.
- Ensuring accuracy and consistency on all Air Force information intended for the Congress.
- Keeping members and committees of the Congress advised of Air Force activities in their area of interest.
- Evaluating, reporting, and disseminating pertinent legislative information to the Air Force.
- Answering executive office and congressional inquiries/correspondence.
- Initiating, where appropriate, recommendations for possible remedial action on inquiries reflecting criticism of Air Force policy.
- Preparing witnesses for congressional hearings.
- Arranging for and coordinating Air Force testimony at congressional hearings.
- Supervising Secretarial and Air Staff review of transcripts, inserts from Air Force congressional hearing testimony and actual hearing questions taken for the record.

- Supervising congressional travel arrangements and requirements designated as official responsibility of the Air Force.

3.3. Office of the Assistant Secretary (Financial Management and Comptroller) (SAF/FM). Secretary of the Air Force Orders 110.1 and 112.1 give SAF/FM the

authority and responsibility for relation with the Appropriations and Budget Committees, and the Congressional Budget Office (CBO). SAF/FM designates the Office of Budget and Appropriations Liaison (SAF/FML) to perform official liaison. Official liaison for the above committees and CBO includes:

- Developing, coordinating, and supervising the Air Force legislative program.
- Ensuring accuracy and consistency of all Air Force information intended for the Congress.
- Keeping members and committees advised of Air Force activities in their area of interest.
- Answering executive office and congressional inquiries/correspondence.
- Initiating, where appropriate, recommendations for possible remedial action on inquiries reflecting criticism of Air Force policy.
- Preparing witnesses for congressional hearings.
- Arranging for and coordinating Air Force testimony at congressional hearings.
- Supervising Secretarial and Air Staff review of transcripts, inserts from Air Force and other Defense related congressional hearing testimony and hearing questions taken for the record.
- Tasking and tracking responses to congressional reporting requirements.
- Making travel arrangements and providing escorts for official travel requirements.

3.4. Joint Responsibilities of SAF/LL and SAF/FM. SAF/LL and SAF/FM are responsible for:

3.4.1. Securing advance notice of congressional committee hearings or investigations in Washington, D.C., or elsewhere, and of committee visits to the field. In these cases, SAF/LL or SAF/FML notifies the relevant Air Force organizations and helps committees with their visits. Air Force commanders or Air Force representatives who receive notice of a committee hearing, investigation, or visit directly from the Congress must inform SAF/LL or SAF/FML immediately.

(AFRES) Also notify HQ USAF/REI.

3.4.2. Coordinating SAF/LL and SAF/FML activities to ensure effective legislative liaison.

3.4.3. Coordinating with the proper Air Force Headquarters offices on legislative and budgetary issues.

3.4.4. Processing legislation affecting the Air Force.

3.4.5. Obtaining OMB and OSD clearance of Air Force witness statements, slides, handouts, and so forth before testimony at congressional committee hearings.

3.4.6. Directing the HQ USAF review of transcripts of Air Force testimony at congressional committee hearings and prepare inserts for the record.

3.4.7. Directing the preparation of Air Force responses required by congressional committee reports and laws.

3.4.8. Maintaining a legislative research library and other source records on congressional matters that affect Air Force programs and budgets.

3.4.9. Informing the Office of Public Affairs (SAF/PA) of action on congressional requests for information that has potential public relations implications.

3.4.10. Giving SAF/PA copies of unclassified Air Force testimony for release to the media through the Office of the Assistant Secretary of Defense for Public Affairs (OASD/PA).

3.4.11. Encouraging communication directly with Air Force field organizations. You can reach appropriate SAF/LL divisions or SAF/FML by telephone during duty hours (see attachment 1 for phone and fax numbers), or after office hours through the Air Force Operations Center, HQ USAF.

4. Air Force MAJCOM and FOA Responsibilities:

4.1. Commanders and staff agency chiefs should inform or coordinate with SAF/LL or SAF/FML on all matters of congressional interest or participation in local activities. The next sections give more specific instructions.

4.2. Community Activities:

4.2.1. Notify SAF/LL or SAF/FML when local plans or activities generate significant community interest and in turn may interest members of the Congress.

(AFRES) Also notify HQ USAF/REI.

4.2.2. When you plan to invite members, staff or employees of the Congress, the Executive Office of the President, or the Office of the Vice President, send SAF/LL the signed invitation and a cover letter explaining the details of the event 60 days in advance. If 60 days' notice is not possible, call

the Air Force House or Senate Liaison Office to determine the best way to extend the invitation. These offices can also advise on the proper forms of address. Make no public announcement until SAF/LL or SAF/FML confirms that the guests will attend. Do not mention transportation of members, employees, or spouses in the invitation.

(AFRES) Also notify HQ USAF/REI.

4.2.3. Coordinate with SAF/LL or SAF/FML when members of the Congress or staff plan to visit your Air Force activity.

(AFRES) Also notify HQ USAF/REI.

4.2.4. Do not commit the Air Force to providing transportation until SAF/LL notifies you that transportation is approved.

4.3. Congressional Inquiries to Local Commanders:

4.3.1. Air Force policy is to respond promptly and factually to direct requests for information from members of the Congress and their staffs. Commanders will establish appropriate procedures to:

4.3.2. Comply with paragraphs 1.1 and 1.2 of this instruction.

4.3.3. Inform SAF/LL or SAF/FML of all congressional inquiries. Fax a copy of a written inquiry to the Legislative Liaison Inquiry Division (SAF/LLI) within 24 hours of the time you receive it. For an inquiry received by telephone, transcribe and fax it to the Inquiry Division within 24 hours of receipt or by the first duty day following a weekend or holiday. (See attachment 1 for fax numbers.)

(AFRES) Upon receipt of an inquiry or request for information from a member of Congress, all AFRES NAF/Wing Commanders will forward a copy of the correspondence, to include their response, to HQ AFRES/IGQ within 72 hours of receipt. This material should be faxed to DSN 497-0512 or commercial (912)327-0512. The AFRES Inspector General's Office is designated as the office of primary responsibility (OPR) for receiving all congressional inquiries and is the central repository for all completed inquiries. HQ AFRES/IGQ is responsible for forwarding all congressional correspondence to SAF/LL or SAF/FML through HQ USAF/REP.

4.3.4. Give SAF/LL or SAF/FML a copy of all congressional communications, including original inquiries and proposed replies.

4.4. Congressional Inquiries to Overseas Commanders:

4.4.1. Because of their sensitive nature, process all inquiries about cases dealing with *Status of Forces Agreements*, individual privileges or rights while stationed outside the

continental United States, legal or policy problems, or issues that may become sensitive or controversial as follows:

4.4.2. Within 24 hours of receipt of a congressional inquiry, send an acknowledgment that SAF/LL will send a final reply. Do not speculate on decisions or dates.

4.4.3. Within 5 workdays, fax SAF/LL a double-spaced draft interim or final response, together with copies of needed back-up information or correspondence.

4.4.4. Inform SAF/LL of any changes in intensity or scope of the case.

4.5. Congressional Field Hearings and Investigations:

4.5.1. SAF/LL or SAF/FML is the commander's liaison with the Secretary of the Air Force on all congressional requests for inspection, investigation, and summary reports that require the Secretary's attention.

4.5.2. Members of the Congress, and their personal and committee staff are entitled to courtesy and respect. Proper identification admits them to any base, field installation, or facility and allows them to use private working space and facilities at a central location. Commanders must ensure that all personnel fully cooperate with committees during hearings and investigations. Allow access to controlled areas in accordance with DoD 5200-1.R and AFI 31-401.

4.5.3. When a committee wants to examine official documents, files, or records within its area of interest or pertinent to its investigation, provide the material in a room set aside for the committee unless release of these materials is not allowed under paragraph 1.1. Assign an Air Force representative to assist if needed.

4.5.4. Refer any requests from a congressional committee to copy, remove, or retain official files, documents, or records (or copies of these documents) to SAF/LL or SAF/FML.

4.5.5. Also coordinate with Office of the General Counsel (SAF/GC) concerning release of documents related to congressional investigations when there are legal issues involved, such as the Privacy Act and claims of privilege.

4.5.6. If a committee notes any deficiencies in Air Force operations or procedures during its field investigation and if the Air Force can take immediate corrective action, do so and advise the committee and either SAF/LL or SAF/FML.

4.6. Congressional Itinerary Changes:

4.6.1. A commander or escort officer who learns of a change in congressional itinerary, must coordinate with facilities scheduled for later visits to avoid unannounced arrivals.

4.6.2. The escort officer coordinates each change in schedule with SAF/LL or SAF/FML (or designee) and with all affected activities. All Air Force personnel must give the officer full cooperation.

4.6.3. For unescorted trips, the host commander notifies SAF/LL or SAF/FML of itinerary changes and any new or changed requests. Coordinate directly with facilities scheduled later in the itinerary regarding briefings, transportation, quarters, or other support.

4.7. Photography During Congressional Visits:

4.7.1. When the Air Force takes photographs during a congressional visit, the host field organization must send copies of black and white, 5 by 7-inch glossy prints, with captions, to SAF/LL or SAF/FML within 72 hours after they are developed. For color photographs, send a first-generation transparency.

4.7.2. Original negatives of congressional visits are nonrecord photography. Destroy them with the permission of the local commander. The Air Force may arrange for processing prints of congressional visits through Air Force-sponsored, government-owned, or commercially operated plants.

4.8. Congressional Committee Investigation or Visit:

4.8.1. If SAF/LL or SAF/FML personnel do not escort members of the Congress or their staffs, field commanders should inform SAF/LL or SAF/FML about the outcome of the visit or investigation. Also provide information to other interested echelons at your discretion.

(AFRES) Copies of reports on congressional visits/contacts are also provided to HQ USAF/REI and HQ AFRES/PA.

4.8.2. Convey the following information to SAF/LL or SAF/FML: the site and length of the visit, names of visiting Congressional members and staff representatives, deficiencies disclosed by the visit, requests for information, and corrective action.

DAVID S. SIBLEY, Brig General, USAFR
Assistant Vice Commander

Office of Legislative Liaison (SAF/LL) Telephone and Fax Directory

OFFICE OF LEGISLATIVE LIAISON (SAF/LL) TELEPHONE AND FAX DIRECTORY

Office of the Director (SAF/LL)

DSN 227-4142/(703)697-4142/FAX: 227-2001/(703)697-2001

Office of Budget & Appropriations Liaison (SAF/FML)

DSN 224-8110/(703)614-8110/FAX: 224-3043/(703)614-3043

Inquiry Division (SAF/LLI)

DSN 227-3783/(703)697-3783/FAX: 225-1998/(703)695-1998

House Liaison Office (SAF/LLH)

DSN 335-1676/(202)475-1676/FAX: 335-0680/(202)475-0680

Senate Liaison Office (SAF/LLS)

DSN 335-1693/(202)475-1693/FAX: 335-0854/(202)475-0854

Air Operations Office (SAF/LLO)

DSN 227-1500/(703)697-1500/FAX: 223-7711/(703)693-7711

Programs and Legislative Division (SAF/LLP)

DSN 227-5322/(703)697-5322/FAX: 227-3520/(703)697-3520

Weapon Systems Liaison Division (SAF/LLW)

DSN 227-6711/(703)697-6711/FAX: 224-6203/(703)614-6203

Legislative Issues Division (SAF/LLX)

DSN 225-0137/(703)695-0137/FAX: 224-4518/(703)614-4518

Legislative Research Office (SAF/LLR)

DSN 225-2552/(703)695-2552/FAX: 225-1998/(703)695-1998